

**CITY OF ANGELS
PLANNING COMMISSION
SUMMARY MINUTES**

**Meeting of Wednesday December 8, 2010
City Fire House 1404 Vallecito Road
Angels Camp, California**

CALL TO ORDER

The meeting was called to order by Chairman Gary Croletto at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners Present: Chair Croletto, Vice-Chair Griffin, Commissioner Rowe,
Commissioner Cullick, and Commissioner Reesman

Commissioner Absent:

Staff Present: Director of Planning & Building David Hanham, Deputy City
Clerk Jennifer Preston

APPROVAL OF MINUTES

1. Approval of the October 14, 2010 Planning Commission Minutes.

Page 2, 5th paragraph states “renting out there” and it should be “renting out their”.

Page 2, 2nd paragraph from bottom states “Anna Guterrez – GHC Cottage Property” and it should
be “Local Property Manager”.

Page 3, 2nd paragraph, delete 2nd “arborist had been” and then add after that sentence
“Commissioner Rowe stated that an arborist has not been consulted.”

General Comments

Chair Croletto stated that he has consulted with a tree arborist named Kevin Alley from Sierra Tree
Service and Kevin stated that the 6” is a good measurement at breast height because that tree
would be around 20 to 25 years old.

**MOTION BY COMMISSIONER GRIFFIN AND DULY SECONDED BY
COMMISSIONER ROWE AND CARRIED 5-0 TO APPROVE THE OCTOBER 14, 2010
PLANNING COMMISSION MEETING MINUTES AS AMENDED.**

VERIFICATION OF RESOLUTIONS

None

PUBLIC COMMENTS

OPENED 6:07 P.M.

CLOSED 6:08 P.M.

COMMUNICATIONS AND PETITIONS

None

PUBLIC HEARING

2. Rezone: 2010-19 Rezone of Parcels North of State Hwy 4 & 49 Intersection

Planning Director Hanham presented the staff report for the Rezone of parcels north of State Hwy 4 & 49 intersection along with his recommendation to adopt Resolution 2010-19.

Commissioner Reesman asked if staff will be issuing burn-down letters upon request.

Planning Director Hanham stated that is not outlined in the City's ordinances, so I need to ask the City's attorney to see what the City's practices are regarding this issue.

PUBLIC COMMENT OPENED 6:22 PM

Ed Hoag – 268 Francis St 058-012-003 and 253 Baker St 058-012-004.

Mr. Hoag stated that it is our opinion that if our property is rezoned from Suburban Commercial (SC) to High Density Residential (R3) that it will lower our property values considering location to the highway and visibility, our holdings have been based on the SC zoning. This will cause us to lose revenues when we go to sell these properties. We do have rental units on these lots right now, but changing the zoning to R3 doesn't help us at all because of the cost of sewer and water right now it is hard to find renters. By changing the commercial lots at this part of town the City potentially will lose sales tax revenues if businesses were to buy these properties. I also question what is the Business Attraction and Expansion zoning because I didn't receive anything about that.

Planning Director Hanham stated that the City currently does not have a Business Attraction and Expansion zone district and so we can not rezone anyone to that district until we develop the development standards for that district.

Mr. Hoag stated then does it make sense to rezone us now and not wait until the City gets that zoning code adopted.

Planning Director Hanham stated that the Business Attraction and Expansion parcels are not being rezoned with this rezone. The only parcels that are being rezoned have zone districts that are compatible their General Plan.

Mr. Hoag stated thank you but we are still adamantly against our parcels being changed.

Kathy Gomes – 217 N Main St 058-012-016

Ms. Gomes stated that she doesn't agree with the proposed zoning with her property from SC to R3, she has owned and lived in the Copello House since 1989. It has been zoned SC at least since she has lived there. She has requested the history of the land use and zoning of this parcel from staff and was told that it will take some time to get everything together. She purchased this property from her husband in 2005 based on the fact that it was zoned SC and that it would have a positive value in the future. She believes that changing the zoning will decrease what can be done with the property. The R3 zoning that is proposed and the size of her parcel would mean

that only two living units would be allowed on this parcel. She is located close to CVS shopping center, Cal Fire and she is across the highway from other commercial areas. There is a parcel down from her that has a business now and staff is proposing to down grade it to R3. She is really frustrated with this whole process. She has been told that the City has followed the legal requirements with all the General Plan process in noticing. She thinks the City should have given a notice to property owners like the one that she received for this rezone, with a letter and a map with the effected parcel on it. We are not living in a huge city, this is a small community, and there would not have been a lot of people affected so you could have sent individual notices. To assume that notices posted at the Post Office, the City website and in the Enterprise would be seen by all of us is faulty thinking. She doesn't subscribe to the Enterprise and she hadn't gone to the City's website until now when all of this started, and she doesn't look at the notices posted at the Post Office. She is a single mother with 4 children, with an elderly mother and a full time job, 2 part time jobs and a big house to maintain. She is busy all the time and doesn't have the luxury of attending meetings to stop staff from changing her land use when the City did the General Plan. She is also concerned by what staff told her, that if she had attended the General Plan meetings she could have gotten her parcel zoned and the land use that she wanted and that is very frustrating for her. She doesn't agree at all to what is being proposed or forced upon her.

PUBLIC COMMENT CLOSED 6:30 PM

Planning Director Hanham stated that the General Plan process was started in 2002. Since I have been here we have had two public workshops with the Planning Commission and we had two public hearings at the Planning Commission with it being continued and the same with City Council having two public hearings. Regarding the noticing requirements, what the City did was follow the law. It is very difficult to get property owners to come out to these meetings and this happens in every city. Staff complied with all of the noticing requirements and we try our best to do it economically because of the situation of the City's budget. I understand your frustration with the process, but the staff also gets frustrated because we try to get the public to come to the meetings to get their opinions on these kinds of subjects and sometimes no one even shows up. In terms of the policy, I can't guess at why staff at the time of the start of the General Plan chose to do what they did, but Planning Commission and City Council both adopted the maps with in the General Plan. Staff is just an instrument of this process and it is up to the Commission and Council if they want to rezone these properties or not.

Chair Croletto stated that he was on the General Plan Committee and we had 3 separate meetings with the first two meetings being about property owners comments about the land use and zoning. We did all the proper noticing for those meetings. We had 15 properties within the City limits and 7 properties in the sphere of influence that requested to be changed. Out of those properties three where changed because the property owners went through the correct process and stated why they wanted changed. Many people don't pay attention to things like this until it affects their property which then causes a problem to the City because then the City has to do a General Plan Amendment which cost more money to do. After being in the budget meetings yesterday and seeing that we have large deficit and staff taking major cuts in pay and benefits, which all effects the budget. I know that isn't going to resolve your problem but I wanted to make sure everyone is aware of the situation.

Planning Director Hanham stated that if a property owner wants to do something that is not allowed in the zone district the property owner has the right to file a variance. The variance is a decision made by the Planning Commission so it doesn't mean that if you apply you will automatically get the variance.

Kathy Gomes asked if the Business Attraction Expansion zone is suppose to be commercial.

Planning Director Hanham stated that it is set up for many different types of things including commercial, business parks, and industrial parks. There is a R3 parcel that is near these properties in question, and that is my guess as to why the planner at the time changed to use to R3, that way it would be a buffer to the R1 behind those properties and the other commercial areas.

Commissioner Reesman asked if there was other zoning that is compatible with the HDR land use.

Planning Director Hanham stated that the zoning that is consistent with the High Density Residential (HDR) is either R3, Residential Cottage, Public, and open space.

Ed Hoag stated that he is the facilities manager for Tuolumne County and he manages 118 properties. He deals with the Planning Commission a lot and the Historical Preservation Commission and have seen numerous properties that have come in for zoning from residential to commercial and they always get turned down because of the neighbors. So the whole thing with getting a variance isn't very likely.

Planning Director Hanham stated that if the commission decides to leave the properties the way they are now, any project that you submit to the City would require a rezone to be consistent. If you came in for a project and your land use is residential and your zoning is commercial you would not be allowed to do it without a rezone or general plan amendment which could mean that you would have to do an update to the Environmental Impact Report as well to be consistent first before your project could be approved. The second thing is that if the City doesn't rezone these properties to be consistent with our General Plan then we are in violation of State law which would allow any property owner to sue the City for not being in compliance with our General Plan. Staff is recommending to the Planning Commission to adopt this resolution recommending to the City Council approval of the amendment to the zoning map. Therefore I am recommending that you rezone all the parcels on the resolution list.

Commissioner Rowe stated that in my opinion somebody sat at a desk and didn't go out of the office and look at these properties when they did these maps. I realize this was done a long time ago and I really didn't pay attention when this was going on years ago and I don't even know what my property is zoned. However, I am a good friend to Kathy Gomes and I know that house has been there for a long time and I know that it has capability to be turned into a bed and breakfast, or even an antique store. Some people might want it left the way it is now, and there is Tanko Drilling just a few doors down and it is a business and commercial property. I question the fact on why these properties should be rezoned and we need to pay attention to what people are asking us because we are a small town. It looks like we have to do a General Plan Amendment anyway because of the last rezone project so this could be changed along with that one. If someone asks us to change it then we should look at it with a good perspective. Only Ms. Gomes and Mr. Hoag have had a problem with this so I don't think it is a big deal to make an exception for them.

Commissioner Griffin asked about what the impact would be to the property owners if we change the zoning.

Planning Director Hanham stated that everyone talks about property value and the property value is what the developer will pay for that property in terms of commercial property. The market will dictate what will happen with property values. It is not a perfect world and if the Commission and Council feels that it needs to be changed then we will do the necessary steps to make that happen.

Commissioner Cullick wanted staff to circle the three properties in question.

Chair Croletto stated does the Commission have a motion for this.

No one made a motion.

Commissioner Rowe asked if we can amend the resolution to exclude these three properties.

Planning Director Hanham stated if the Commission wants to do that they can but then you also need to recommend to the City Council a General Plan Amendment for those parcels.

Commissioner Rowe asked if we could add these parcels to the General Plan Amendment that we have to do for the last rezone.

Planning Director Hanham stated that it can be done at one time but needs to be separate because it is on different resolutions.

Commissioner Rowe asked did the City Council accept the amended resolution that we did on the other rezone.

Planning Director Hanham stated yes but I was not instructed to start the General Plan Amendment process because there is no money in the budget for it.

Commissioner Cullick stated that there are 6 parcels along there that need to be changed because if we don't then we will have SC, R3, SC, and then R3 again. So I think if we are not going to change the 3 parcels that are in question then we should also take out the other 3 parcels.

Commissioner Rowe stated that she concurs with Commissioner Cullick. I am part of the BLT and they are talking about changing Angels Camp at some point in time to be more tourists friendly and that is part of the gateway coming into town. It seems silly to me to change that to High Density Residential. Like I said, somebody didn't do their homework and we are stuck with it, and I don't think those parcels should change from SC.

Commissioner Reesman stated that she agrees with Commissioner Rowe in that we inherited a little bit of a mess, but it needs to be consistent with the General Plan. I don't have a problem with the R1 changing to R3 because of the expanded options, but when you down zone somebody then it is government taking something without compensation. I understand that all the noticing was done correctly and that rezoning parcels to match the Land Use is part of housekeeping. So we need to use common sense and make the General Plan consistent with existing uses.

Planning Director Hanham stated that it is more than just housekeeping it is State Law. If we changed the General Plan to commercial on those parcels then all the houses that people live in would become non-conforming uses. Then if they wanted to add square footage to their house or

a swimming pool, they couldn't do that without a variance. So if that is the direction of the commission then the process at this point would be to adopt the resolution excluding those parcels from this rezone and then recommending to the City Council that these parcels need to have a General Plan Amendment to change the Land Use to be consistent with the zoning.

MOTION BY COMMISSIONER GRIFFIN TO ADOPT RESOLUTION 2010-19 FOR 60 OF THE 63 PARCELS TO BE REZONED EXCLUDING APN'S 058-012-003, 058-012-004, 058-012-016 AND DULY SECONDED BY COMMISSIONER CULLICK WITH AN AMENDMENT ALSO EXCLUDING APN'S 058-012-018, 058-012-019, 058-012-021 AND TO INITIATE A GENERAL PLAN AMENDMENT TO CORRECT THE LAND USES AND CARRIED BY THE FOLLOWING ROLLCALL VOTE:

COMMISSIONER REESMAN – NO
COMMISSIONER ROWE - YES
COMMISSIONER CULLICK - YES
COMMISSIONER GRIFFIN - YES
CHAIR CROLETTO - NO
MOTION CARRIES 3-2

PLANNING COMMISSION MATTERS

3. Transportation Fee Program

Planning Director Hanham presented the staff report and Resolution 2010-20 of the Planning Commission to recommend to City Council to approve the City of Angels Camp Traffic Mitigation Fee Program Update of November 2010.

Commissioner Cullick has no comment.

Commissioner Griffin has no comment.

Commissioner Rowe has no comment.

Commissioner Reesman asked if there is a provision in the Resolution to let the City Council waive the road mitigation fees if we can attract business's here that could bring employment to the area.

Planning Director Hanham stated that the City Council has the ability based on the development agreement to do fee credits. There is nothing in this resolution that says that but City Council has the right to waive them.

Chair Croletto stated that he has many comments so he gave a list of his comments to everyone. (See attachment 1) On the Resolution we need to add in the title after Transportation Fee add "Program Update" and then the word November needs to be October. After the Now Therefore Be It Resolved staff needs to delete the (City Council).

MOTION BY COMMISSIONER ROWE AND DULY SECONDED BY COMMISSIONER REESMAN AND CARRIED 5-0 TO CONTINUE THIS ITEM SO THAT STAFF CAN CONSULT WITH THE CONSULTANT OF THE STUDY ABOUT THE ISSUES BROUGHT UP.

4. Visitor Accommodation Committee Report

Planning Director Hanham presented staff report about the meeting he had with Commissioners Reesman and Cullick.

Commissioner Reesman stated that there is already a mechanism in place to collect TOT's. We have been in an economical slump so people are not traveling as much, so the City's TOT revenue is probably down from previous years. Just like any other tax that gets collected, the City will not be able to enforce the tax. There is probably only about 8 to 10 rentals that are not going through an established property management firm. Generally when the reservations are made on the web, the taxes are added right there on the screen for your total. We felt that there aren't enough rentals out there that are not paying their taxes to make a big difference in revenue. Our suggestion is to contact the Board of Equalization that way we can have a list of the people that are paying taxes and then if you see someone renting that is not on the list then the City could do something about it. We didn't see that there was any danger to the people of Angels Camp if we didn't regulate the vacation rentals.

Chair Croletto stated that we don't have a problem with the people doing the rentals correctly, what the City would like is to find out who is doing it illegally and then go to them and have them apply for a business license and pay their TOT's.

Commissioner Reesman stated there was only one complaint that the City received.

Chair Croletto stated that we need to keep in mind that the City has a deficit in their budget and we need all the taxes that we can find.

Commissioner Reesman stated that the City hasn't had to deal with cuts yet and the rest of the businesses have cut back for 4 years. We shouldn't make laws to make money we make laws to benefit the citizens that live here.

Chair Croletto asked what is the committee's recommendation on this issue.

Commissioner Cullick stated our recommendation is to do nothing at this time.

Chair Croletto stated that this has come up in the finance meeting and probably will come up at City Council also.

Commissioner Cullick stated that our recommendation is to get the list from the Board of Equalization on who is paying TOT's and then we can find out who is paying inside the city.

Chair Croletto stated that this item is for the City to have a vacation rental ordinance in place to regulate the rentals and not just for TOT's.

The Planning Commission with the exception of the chair is in agreement to leave the vacation rentals alone.

COMMITTEE REPORTS

5. Joint City Council/Planning Commission Workshops – Chairman Croletto.

Chair Croletto stated that there is nothing new to report at this time.

6. Infrastructure Committee – Chairman Croletto

Chair Croletto stated that everything was continued to next month.

7. Traffic Circulation Committee- Commissioner Griffin

Commissioner Griffin stated that they had a meeting on Monday and we discussed Parking and Loading zones and the item was continued.

8. General Plan Implementation-Commissioner Rowe

Commissioner Rowe reported there is nothing new to report.

9. BLT-Director of Planning & Building Dave Hanham

Planning Director Hanham stated that we have a lot of retail leakage. Only one category is doing well and that is building materials and landscaping. Now the BLT is looking on how to market the Buxton Study. The banners should be going up soon. Other groups have talked about doing many flags lining the street down Highway 49 on holidays like Veteran's Day, Memorial Day, and July 4th. Their next meeting is January 10th.

COMMISSIONER'S REPORTS

15. Action List-Chair Croletto

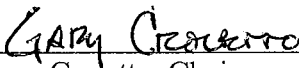
No Action list for November.

Commissioner Rowe stated that she would like to be back on the BLT committee and the Commission agreed that would be fine.

STAFF REPORTS

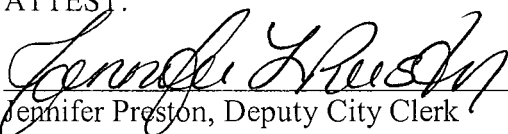
Planning Director Hanham reported that the Mark Twain Hospital and should be submitting their plans in a month and it is about 10,000 sq. ft. We will meet with the county about our sphere of influence. Staff is starting the RTP process with CCOG, and finalizing the JPA. The historical rezones will probably be coming to you in March. Our GIS (Erin Mutch) is coming back now that the budget is passed.

MEETING WAS ADJOURNED AT 9:21PM.



Gary Croletto, Chairman

ATTEST:



Jennifer Preston, Deputy City Clerk

Attachment 1

Comments on City of Angels Camp Traffic Mitigation Fee Program Update "Final Report" dated ~~September 2009~~ October 2010

Page 1 - ■ See page 15 comments below.

Page 3 - ■ Why isn't the General Plan that was adopted on 2/3/09 being used in a report dated 9/09?
■ Using a "annual (page 5 & 13) growth rate assumption" of 2.52% for the next 20 years is a poor assumption and forecast in the current and predictable, near future economy.

Page 5 - ■ Why is the secondary sphere of influence included which doesn't exist anymore and would be the in County's plan.
■ The posted speed limit of SR 49 is 45 mph west of Dogtown Road and 35 mph down to 25 mph to the east.
■ The posted speed limit on SR 4 is 45 mph east and west of Angels Camp.
■ Angels Camp SR 4 Bypass is currently complete, ~~not~~ under construction.

Page 9 - ■ General Plan Final EIR

Page 13 - ■ Items under "*reasonable potential*":

Sierra Avenue Connection was strongly rejected by the residents of the "annex/old town" neighborhood at the public hearings on the General Plan and don't want traffic going through the old narrow "legacy" streets in their neighborhood.

Demarest Street Extension was strongly rejected by the residents who own the property currently making up the gated existing gravel roadway.

Page 14 - ■ ~~Why isn't the long range forecast of a "Southeast Bypass" mentioned in the Report in the same manner the SR 49 Bypass (Alternate 3B) is referenced. These are both important to future Traffic Mitigation Reports in which this Report will be used as a reference.~~

Page 15 - ■ How were the Retail, Service, and Other Employment "Job" figures arrived at in both the Base Year and the Future Year Amounts? They seem to be unrealistic forecasts....an additional 1,860 jobs or 98 jobs per year for 19 years?

Page 20 - ■ ~~"or a roundabout at SR 4 (N) / Angels Oaks Drive"~~ The residents of Angel Oaks and Greenhorn Creek were, and are absolutely against a roundabout at that location.
■ The residents of the City of Angels completely rejected the concept of a roundabout at SR 49/ SR 4 (S). It is also physically impossible without destroying a large area of the Historical District and much needed parking spaces.
■ Was any thought given by the consultant doing this report to the physical constraints, commercial property acquisition, and topography of widening this stretch of SR 49 from two lanes to four lanes? It would also require 4 lanes to merge into two lanes at an "F" LOS intersection (Dogtown Road) as noted in their own report! Was any consideration given to this concept regarding the traffic count when the high school lets out at ±3:30 PM....the traffic count was taken in March 2009 according to the report, page 10.

Was **Appendix F: Land Use Summary By TAZ** checked for accuracy and current & correct Land Uses by City Planning Staff?

Based on this report as written, the current Traffic Impact fee per DUE of \$ 4,244 will increase to \$ 4,957, an increase of \$ 713.00.

Gary Croletto,
18 February 2010 *Revised 12/8/10*